

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	Customer No.:	35,554	
)			
Ronald A. KATZ)	Confirmation No.:	7611	
)			
Serial No.:	09/505,915)	Group Art Unit:	2614
)			
Filed:	February 17, 2000)	Examiner:	S. Woo
)			
For:	COMMERCIAL PRODUCT)	Docket No.:	6046-101D8
	ROUTING SYSTEM WITH VIDEO)		
	VENDING CAPABILITY)		

**LETTER REQUESTING WITHDRAWAL OF IMPROPER
NOTICE OF ABANDONMENT
UNDER MPEP 711.03 AND 37 C.F.R. §1.137**

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION/PETITION

1. Applicant hereby requests reconsideration, and withdrawal, of the holding of abandonment set forth in the notice dated October 29, 2008, for failure to file a proper response under 37 C.F.R. 1.113(a) to the final Office Action dated March 21, 2008. The request is being filed promptly after receipt of such notice and Applicant and the undersigned submit that this notice is erroneous and improper.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via electronic filing (EFS-Web) on the date shown below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 2, 2008
Date of Transmission

/Reena Kuyper/
Reena Kuyper

PROPER RESPONSE TO FINAL OFFICE ACTION WAS TIMELY SUBMITTED

2. Further to a decision to appeal the final rejections of the Examiner, a Notice of Appeal was submitted in response to the outstanding final office action. It was mailed to the U.S. Patent & Trademark Office, along with the appropriate transmittal form and a petition for extension form, on September 22, 2008. September 21, 2008, the final date for response to the final office action fell on a Sunday, therefore, the documents were filed on the following Monday, September 22, 2008. A copy of the Notice of Appeal, as mailed, is attached (*Exhibit A*). A stamped return postcard (*Exhibit B*), acknowledging receipt by the Patent Office is also attached. Also, a review of the U.S. Patent & Trademark Office's PAIR Image File Wrapper reveals that the above documents were scanned by the PTO personnel. In addition, the Patent Office charged the notice of appeal fee (\$255) and the extension fee (for three months) for a small entity (\$525) to Deposit Account No. 50-1636 (copy attached, *Exhibit C*). Therefore, these submissions were accepted by the PTO and constitute a proper reply to the final office action, yet the Examiner has issued a notice of improper reply, thereby abandoning the case. The undersigned questions why the Examiner indicates that the submission of this notice of appeal and related documents is an improper reply and does not believe that a fee or petition for Revival is necessary. If a Petition for Revival under 1.137(b) is required, please advise the undersigned with the relevant reasons and then consider this a petition therefor.

FEE

3. Applicant believes that no fee is necessary at this time. However, if any fees are associated with this request, the Commissioner is authorized to charge the necessary amount from our Deposit Account No. **50-1636**. Should any of the personnel handling this matter at the U.S. Patent & Trademark Office have any questions about this submission, he or she is invited to contact the undersigned immediately to expedite

resolution thereof. Immediate consideration of this document is respectfully requested.

Respectfully submitted,

BERRY & ASSOCIATES P.C.

Dated: November 2, 2008

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Los Angeles, CA 90069
(310) 247-2860

By: /Reena Kuyper/

Reena Kuyper
Registration No. 33,830

EXHIBIT A

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 6046-101D8
<p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>September 22, 2008</u></p>		In re Application of Ronald A. Katz
<p>Signature <u>/Reena Kuyper/</u></p> <p>Typed or printed name <u>September 22, 2008</u></p>		Application Number 09/505,915 Filed February 17, 2000
		For Commercial Product Routing System With Video
		Art Unit 2614 Examiner S. Woo
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <u>\$ 510.00</u></p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$ 255.00</u></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card, Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1636</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p>		
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor. <u>/Reena Kuyper/</u> Signature</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <u>Reena Kuyper</u> Typed or printed name</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>33,830</u> <u>(310) 247-2860</u> Telephone number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>September 22, 2008</u> Date</p>		
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>		

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.10, 1.14 and 4.18. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you believe necessary to complete this form and any suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT B

RECEIVED

OCT 02 2008

Berry & Associates, P.C.

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

NOTICE OF APPEAL

Applicant: Ronald A. Katz
Serial No.: 09/605,915
Filed: February 17, 2000
For: COMMERCIAL PRODUCT ROUTING SYSTEM WITH VIDEO VENDING CAPABILITY
Attorney(s): Reena Kuyper
Docket No.: 6046-101D8
Date of Deposit: September 22, 2008
Enclosure(s): Transmittal Form; Fee Transmittal; Petition for Extension of Time; Notice of Appeal; Return Postcard.



EXHIBIT C



United States
Patent and
Trademark Office

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Deposit Account Statement

Requested Statement Month: September 2008
Deposit Account Number: 501636
Name: RONALD A KATZ TECHNOLOGY LICENSING LP
Attention: C/O BERRY & ASSOCIATES P.C.
Street Address 1: 9255 SUNSET BLVD.
Street Address 2: SUITE 810
City: LOS ANGELES
State: CA
Zip: 90069
Country: UNITED STATES

DATE SEQ	REF TXT	POSTING ATTORNEY NBR	DOCKET	FEE CODE	AMT	BAL
09/15	9198	12210221	6046-101N18	4011	\$75.00	\$9,840.00
09/15	9199	12210221	6046-101N18	2111	\$255.00	\$9,585.00
09/15	9200	12210221	6046-101N18	2311	\$105.00	\$9,480.00
09/29	15	09505915	6046-101D8	2401	\$255.00	\$9,225.00
09/29	16	09505915	6046-101D8	2253	\$525.00	\$8,700.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$9,915.00	\$1,215.00	\$0.00	\$8,700.00

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09/505,915
PTO fees charged:

255 - notice of appeal
525 - 3-month extension